

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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J & J SPORTS PRODUCTIONS, INC.

Plaintiff

07 CV 6019

-AGAINST-

M & J WINS, INC.
d/b/a THE UPPER DECK
and JAMES WINSMAN JR.

Defendant

**AFFIDAVIT FOR
JUDGMENT BY DEFAULT**

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STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss:

Paul J. Hooten, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am associated with the firm of Paul J. Hooten & associates, attorney for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.

1. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiffs application for the entry of a default judgment against defendant.
2. This is an action to recover the unauthorized exhibition of the telecast of the June 25, 2005, boxing match between Gatti and Mayweather by the defendant. See attached summons and complaint attached hereto as Exhibit "A".
3. This Action was commenced on June 25, 2007 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendant, M & J Wins, Inc. d/b/a The Upper Deck, on August 6, 2007 by service on Amy Lesch,

Clerk authorized to accept, and on defendant, James Winsman Jr on September 11, 2007.

See attached proof of service attached hereto as Exhibit "B". The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

4. This action seeks judgment for the liquidated amount of \$20,000.00, plus interest at 9% from June 25, 2005, amounting to \$4,800.00, plus costs and disbursements of this action in the amount of \$470.00 and attorney fees in the sum of \$700.00 amounting in all to \$25,970.00.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Mt. Sinai, New York

March 4, 2008

/s/ Paul J. Hooten
Paul J. Hooten

Sworn to before me this 4th
Day of March, 2008

/s/ Cheryl E. Lorefice
Notary Public

Cheryl E. Lorefice
Notary Public, State of New York
No. 4999823
Qualified in Suffolk County Commission Expires August 3, 2010

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STATEMENT OF DAMAGES

Defendant

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Principal amount sued for \$20,000.00

Interest at 9% from June 25, 2005 through February, 2008 \$ 4,800.00

Costs and Disbursements:

Clerk's fee	\$ 350.00
Process Server fee for service	\$ 120.00
Attorney fees	\$ 700.00

Total as of September 30, 2007 \$25,970.00

EXHIBITS:

Exhibit A. Summons and Complaint

Exhibit B. Proof of Service

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Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2008, a copy of the foregoing Default Judgment, Affidavit For Judgment By Default and Statement Of Damages was sent by U.S. Mail to M & J Wins, Inc., d/b/a The Upper Deck at 305 East 53rd Street, New York, NY 10022, and James Winsman Jr. at 122 W Fulton Street, Gloversville, NY 12078.

Dated: March 4, 2008

By: /s/ Paul J. Hooten
Paul J. Hooten, Esq.
5505 Nesconset Hwy., Suite 203
Mt. Sinai, NY 11766
(631)331-0547